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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,018	07/02/1998	MAKOTO SATOH	35.C12830	4203
5514	7590	02/13/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WHIPKEY, JASON T	
			ART UNIT	PAPER NUMBER
			2612	17

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/110,018

Applicant(s)

SATO ET AL.

Examiner

Jason T. Whipkey

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,12,14,16,23,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,12,14,16,23,25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 8, line 20, through page 9, line 3, filed November 20, 2003, with respect to the rejection of claims 1, 3, 5, 12, 14, 16, 23, 25, and 27 under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Anderson (U.S. Patent No. 6,563,535) and Nakano (U.S. Patent No. 5,043,816).

### ***Claim Rejections - 35 U.S.C. § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. §§ 102(e), (f), (g) prior art under 35 U.S.C. § 103(a).

4. Note that the Anderson patents used in previous Office actions are not being used in the instant Office action. All references henceforth to Anderson shall concern U.S. Patent No. 6,563,535.

5. Claims 1, 3, 12, 14, 23, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Nakano.

Regarding claim 1, Anderson discloses the digital imaging device shown in Figure 1, which includes image sensor 104 ("an image pickup device") for picking up an image of object 101 and producing an electrical signal ("an image signal") (column 4, lines 12-18). Digital signal processor 106 ("an image processing device") generates processed image digital data ("first-resolution image data") and thumbnails ("second-resolution image data") (column 4, lines 44-45, and column 9, lines 4-11).

Processed image digital data generated by DSP 106 is stored in memory 109 (column 4, lines 44-45). Though not specifically shown, it is inherent that memory 109 has some sort of controller ("a storage control device") that enables organized operation. Since thumbnails are sent to draw buffer 214 and draw buffer 214 is part of memory 109, thumbnails are stored in draw buffer 214.

A "burst" of consecutive images ("a series of frames") may be captured, stored, and displayed in reduced size as they are captured (column 6, lines 6-18). Though not

specifically shown, it is inherent that LCD 107 ("a display screen") has some sort of controller ("a display control device") that enables organized operation.

Image data is compressed and encoded in accordance with the JPEG standard in JPEG block 205 before being stored in memory 109 ("a compression encoding device") (column 5, lines 17-20).

Anderson is silent with regard to outputting a selected frame to a non-volatile memory.

Nakano discloses an electronic still camera that allows a user to select an image stored in temporary storage and transfer the image to non-volatile storage (column 22, lines 9-14).

An advantage to transferring only selected images to non-volatile storage is that acceptable images may be stored for later use without wasting non-volatile storage space on unacceptable images. For this reason, it would have been obvious at the time of invention to have Anderson's imaging device transfer acceptable images to a non-volatile memory.

Regarding claim 3, it is inherent that in Nakano's device a selected image is transmitted from temporary storage to the non-volatile storage.

Claims 12 and 23 may be treated like claim 1.

Claims 14 and 25 may be treated like claim 3.

6. Claims 5, 16, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Nakano and further in view of Yamagata (U.S. Patent No. 5,764,800).

Regarding claims 5, 16, and 27, Anderson is silent with regard to compressing and encoding selected image data at varying compression ratio and storing this data in a memory.

Yamagata discloses an image data re-compression device. The user uses release button 16 to select an image to be recompressed (column 5, lines 27-33). Image data already stored on IC memory card M in Figure 2 in a low compression mode may be expanded and recompressed at a higher rate (column 5, line 63 through column 6, line 1). The recompressed image data are stored in memory M.

As stated in column 1, lines 39-42, this increases the recording efficiency of the memory. For this reason, it would have been obvious to have Anderson's image capture unit recompress stored images at a rate higher than the rate at which the image was originally stored.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason T. Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 306-0377.

JTW

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February 3, 2004

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600